

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LERROY WILLIAMS BEY,)
) CASE NO. C10-1951-JLR-MAT
Plaintiff,)
)
v.)
) REPORT AND RECOMMENDATION
CHILD PROTECTIVE SERVICES, et al.,)
)
Defendants.)
_____)

INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff Leroy Williams Bey, who is currently incarcerated at Washington State Penitentiary in Walla Walla, Washington, filed an application to proceed *in forma pauperis* (“IFP”) with a civil rights action brought under 42 U.S.C. § 1983. (Dkt. 1.) For the reason described below, the Court recommends denying plaintiff’s application to proceed IFP based on the three-strikes rule of 28 U.S.C. § 1915(g), and directing him to pay the \$350 filing fee in order to proceed with his complaint.

A prisoner may not proceed IFP in a civil action if he or she has, on three or more prior occasions, brought civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is

01 under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). Over the past
 02 year and a half, the Court has dismissed for, *inter alia*, failure to state a claim upon which relief
 03 may be granted more than twenty *pro se* § 1983 complaints that plaintiff brought with IFP
 04 requests. *See, e.g., Williams v. Ellis*, C10-0028-RSM (Dkt. 11); *Williams v. Sugar*,
 05 C10-0027-JLR (Dkt. 12); *Williams v. Young*, C10-0026-JLR (Dkt. 10); *Williams v. Sakota*,
 06 C10-0023-JCC (Dkt. 12); *Williams v. Transfer Officers*, C10-0022-RAJ (Dkt. 6); *Williams v.*
 07 *Wallace*, C10-0021-RSL (Dkt. 6); *Williams v. Hoppers*, C10-0020-RSM (Dkt. 11).¹ *See*
 08 *generally O'Neal v. Price*, 531 F.3d 1146, 1152 (9th Cir. 2008) (holding that an IFP action is
 09 “brought” for purposes of imposing § 1915(g) strikes “when he submits a complaint and
 10 request to proceed in forma pauperis to the court”). Nothing in the current IFP application or
 11 proposed complaint suggests plaintiff is under imminent danger of serious physical injury.
 12 (Dkt. 1.)

13 Accordingly, the Court recommends DENYING plaintiff’s application to proceed IFP
 14 (Dkt. 1), and directing him to pay the \$350 filing fee within **thirty (30) days** of the date of the
 15 Order adopting this Report and Recommendation. The Clerk is directed to send copies of this
 16 Order to plaintiff and to the Honorable James L. Robart.

17 DATED this 6th day of December, 2010.

18
 19 

20 Mary Alice Theiler
 United States Magistrate Judge

21
 22 ¹ Although plaintiff uses the names “Leroy Bey” and “Leroy Williams Bey” in his IFP application and proposed amended complaint, a review of the Court’s CM/ECF system confirms through his prisoner number (334039) that plaintiff is the same Leroy Williams in the cases described above.